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EXTRAORDINARY

PART I—Section 1

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ELECTION TRIBUNAL, ERNAKULAM.

NOTIFICATION

Ernakulam, the 8th July 1952

In pursuance of the provisions of Sub-Section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following election petition presented under Section 81 thereof is published for information:

ELECTION PETITION No. 44 of 1952

BEFORE THE ELECTION COMMISSION, NEW DELHI.

Petition No. 44 of 1952

Petitioner

Padmanabha Menon, aged 26, residing at Pachalam, Ernakulam, (son of Moorkanat Kochunarayani Amma).

Respondents

1. A. M. Thomas, B.A. B.L., Member of Parliament, Ernakulam.
2. Stanley P. Luiz, Kalamassery, Alwaye.

Petition under Sections 80—84 of the Representation of the People Act, 1951.
The petitioner above-named begs to state as follows:—

1. The petitioner was a duly nominated candidate in the Ernakulam Constituency No. 9 for election to the House of the People, 1951.
2. Respondents 1 and 2 were also duly nominated candidates for the same election, the former of whom was declared elected.
3. After nominations were accepted by the Returning Officer the parties mentioned in the appended List made joint and several attempts to defeat the petitioner in the election by unlawful and unfair methods simply because of the fact that he contested on the United Front (* * *) ticket.
4. In order to prosecute their common objective of defeating the petitioner in the election, undue influence was extensively exerted by the various parties mentioned in the list with the connivance of respondents 1 and 2.
5. Exts. marked A and B attached to the appended list, "Soviet Swargam" (* * *) and "Satyadeepam" (* * *) Book No. 25, issue No. 16, contain mandates issued by dignitaries of the Roman Catholic Church not to vote for the United Front Candidate. It is stated on page 28 of Ext. A published on 3rd December 1951, just two weeks before the election, that Catholics supporting United Front would be ostracised and excommunicated under the "MAHARON"

punishment. The Catholic clergy throughout the constituency made propaganda speeches to this effect in all the parish churches and held out threats of excommunication to the Catholics if they supported or voted for the United Front candidate.

6. Ext. C in the list is a petition to the Archbishop of Verapoly by four Catholic voters on the refusal of the parish priest of St. Antony's Church, Vaduthala, to accept any one of them as Godfather for the baptism of a child, as they happened to work for the petitioner in the election. The parish priest has stated in the order dated 30th December 1951 passed by him on the said petition, that he was "instructed by the Venerable Curia not to allow those who worked for the United Front to stand as patrimas for baptism".

7. Ext. B in the list contains statements issued by the Archbishop of Ernakulam, Bishop of Quilon, the Bishops of Kottayam and Palai forbidding members of the Catholic community working or voting for the United Front candidate.

8. All these were carried on with the connivance of respondents 1 and 2.

9. The catholics constitute over thirty per cent of the electorate in the constituency and as such they are a deciding factor for the election.

10. All the above stated facts show that undue influence extensively prevailed at the election and that the election has not been a free election by reason of the fact that coercion and intimidation have been exercised and resorted to by a powerful community not to vote in a particular way at the election.

11. It is, therefore, humbly prayed that the said election may be declared to be wholly void under Section 100 of the Representation of the People Act, 1951.

12. A treasury receipt for a deposit of Rs. 1000/- as security for the costs of this petition under Section 117, is also enclosed herewith.

Dated this the 7th day of March 1952.

Sd/ Petitioner.

Verification.

I declare that all that is stated above is true to the best of my knowledge and belief.

Sd/ Petitioner.

LIST

1. As soon as the United Front (* * *) decided to put up candidates for the election, dignitaries of the Catholic Church throughout the constituency came out with pastoral letters and directives commanding voters of the Catholic community not to vote for the United Front. Ext. B contains on page 5 the relevant extracts from some of the pastoral letters, including the specific directive of the Archbishop of Ernakulam. Members of the Catholic community are bound to obey such directives and any disobedience holds out, as a consequence, the possibility of social ostracism and excommunication.

2. These pastoral letters were circulated in printed form in every nook and corner of the constituency. Ext., B is a weekly publication enjoying very wide circulation. It is printed and published under Permissu Ecclesiastico and is edited by two members of the catholic clergy. The directives of the above-mentioned dignitaries, therefore, reached all the catholic voters of the constituency with all their force and influence. Accompanied as they were, with threats of excommunication directly administered to all the voters by every parish priest, a large section of the catholic community were not able to exercise their franchise freely.

3. Ext. A is a pamphlet called "Soviet Swargam" (* * *) dated 3rd December 1951, published two weeks before the election. The author is Rev. Fr. Archangel O. C. D., a high dignitary of the church. It is also published under Imprimatur, sanction for publication being given by the Vicar General of Verapoly, who is the immediate administrative head of the catholic diocese of Verapoly, under the Archbishop. Page 27 of the pamphlet directly deals with the general election and on page 28 appears an unequivocal and direct threat of excommunication to those who supported the United Front. The same passage is reprinted on the outer cover of the pamphlet and thereby given high prominence. The explicit and avowed intention of this publication is the exercise of undue influence to render the election not free.

4. Ext. C proves that these threats were actually being put into practice. Four Catholic Voters of Vaduthala, a parish inside the constituency, approached the parish priest of St. Antony's Church requesting that any one of them may be allowed to act as God-father for the baptism of a child. The priest declined to do so on the ground that these people worked for the United Front in the election. The priest's order on Ex. C clearly shows that there was an order from the Venerable Curia to all the parish priests not to allow supporters of the United Front to stand as patrons for baptism.

5. Rev. Fr. Archangel, as author of the pamphlet aforementioned, Rt. Rev. Msgr. A. Lenthaparambil, as the Vicar General of Verapoly, Rev. Fr. Jacob Naduvathusery and Joseph Parekkatil, as editors of 'Satyadeepam', K. L. Varkey as printer and publisher of 'Satyadeepam', Rev. Fr. Joseph Symendhi as the parish priest of St. Antony's Church Vaduthala, are all, therefore, parties to unlawful and illegal practices and are responsible for exerting undue influence extensively, with the result that the election was rendered not free. That these dignitaries of the Church were taking their cue from the pastoral letters and directives mentioned above, is sufficient indication that such practices prevailed throughout the constituency.

List of Documents

1. Ext. A. Pamphlet named 'Soviet Swargam' dated 3rd December 1951.
2. Ext. B. Weekly 'Satyadeepam', Book No. 25, Issue No. 16, dated 12th December 1951.
3. Ext. C. Petition dated 30th December 1951 by four catholic voters of Vaduthala and the order of the parish priest, dated 30th December 1951, thereon.

Dated, this the 7th day of March 1952.

Sd/ Petitioner.

Verification.

All that is stated above is true to the best of my knowledge and belief.

Sd/ Petitioner. .

(True Copy)

Notice is hereby given that the above petition is posted before the Election Tribunal, Ernakulam sitting in the 2nd Court Hall, High Court Ernakulam at 11 A.M. on 16th August 1952. Any other candidate wishing to be added as a respondent to the above petition may apply in writing at any time within 14 days after the date of publication of this notice. Such a candidate shall give security for costs to the extent of Rs. 1000 under Section 119 of the Representation of the People Act, 1951.

High Court of Judicature,

P. K. SUBRAMANIA IYER,

Ernakulam,

Chairman,

Dated, 8th July 1952.

Election Tribunal, Ernakulam.

